

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 26, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

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CASCADE NATURAL GAS
CORPORATION, a Washington
Corporation,

Plaintiff,

v.
INTERNATIONAL CHEMICAL
WORKERS UNION
COUNCIL/UFCW LOCAL 121-C,

Defendant.

No. 1:16-cv-3163-SMJ

**ORDER ADOPTING REPORT
AND RECOMMENDATION,
DENYING MOTION TO STRIKE,
AND GRANTING MOTION FOR
SUMMARY JUDGMENT**

Before the Court is Magistrate Judge Dimke's June 5, 2020 Report and Recommendation, ECF No. 73, recommending the Court (1) find Plaintiff failed to show good cause why the Court should not grant Defendant's motion for summary judgment based on Plaintiff's failure to respond to the motion, ECF Nos. 61, 62, (2) deny Defendant's Motion to Strike, ECF No. 66, and (3) grant Defendant's Motion for Summary Judgment, and to Remand Remaining Damage Issues to Arbitrator, ECF No. 59. No objections have been filed. Having reviewed the Report and Recommendation and relevant authorities, the Court finds that Magistrate Judge Dimke's findings are correct. Therefore, the Court adopts the Report and

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1 Recommendation in its entirety and finds that the Motion for Summary Judgment
2 should be granted both on the merits and by construing Plaintiff's failure to respond
3 as consent to the entry of an order adverse to it.

Accordingly, IT IS HEREBY ORDERED:

1. The Report and Recommendation, **ECF No. 73**, is **ADOPTED** in its entirety.
2. Defendant's Motion for Summary Judgment, and to Remand Remaining Damage Issues to Arbitrator, **ECF No. 59**, is **GRANTED**.
3. Defendant's Motion to Strike, **ECF No. 66**, is **DENIED AS MOOT**.
4. This matter is **REMANDED** to the Arbitrator for resolution of remaining issues regarding damages.
5. The Clerk's Office is directed to **ENTER JUDGMENT** consistent with this order and **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel and Magistrate Judge Dimke.

DATED this 26th day of June 2020.

Salvador Menéndez Jr.
SALVADOR MENÉNDEZ, JR.
United States District Judge

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